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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,863	06/01/2000	Guy Nathan	871-80	4666
23117 7590 09/04/2008 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
SHANG, ANNAN Q				
ART UNIT		PAPER NUMBER		
2623				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/583,863

Applicant(s)

NATHAN ET AL.

Examiner

ANNAN Q. SHANG

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No./Mail Date: _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/11/08 has been entered.

Claim Rejections - 35 USC § 112

2. Claims 1 and 4-6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, there is no disclosure that "...finding an available memory of a specified minimum size..." "...corresponding to the available memory area found..." lacks support. Applicant indicated in Remarks that page 5, line 27-page 5, line 3, of the specification has support for the claimed limitations. However, the specification reads, "...the process comprises the step 11 consisting of opening a reception file on the storage means,...the storage area selected is permanent storage area wherein the memory available has a specified minimum

size,..." there is no "...finding an available memory..." furthermore the process is a closed process, i.e., the phrase "...consisting of..." is a closed limitation.

Response to Arguments

3. Applicant's arguments with respect to claims 1 and 4-6 have been considered but are moot in view of the new ground(s) of rejection discuss below.

With respect to claims 1 and 4-6, rejected under 35 U.S.C. 102(b) as being anticipated by Guy **Nathan et al. (WO 96/12257)**, Applicant amends the claims, and argues that the rejection using the prior art of record is not proper (see page 5+ of Applicant's remarks).

In response, Examiner disagrees. Examiner notes Applicant's arguments, Examiner is still maintaining the 112 rejection for the reason above (see the 112 rejection). Nathan teaches that, the hard disk system stores songs, videos, etc., and that part of the songs, videos, etc., not stored because of insufficient space, the manager or operator deletes a few songs, videos, etc., from the disk to again request that the center send theses songs, videos, etc., or the part not received and further suggests that they can be done physically in circuit to which they are assign or implemented by software (page 25, line 35-page 26, line 17), which is clearly anticipated and hence meets, the claim limitations. Nathan further discloses that buffering could also be done by reserving space/location/size of the memory within the memory of the system or in another word, the "tampons" or buffers could be reserved

using any types of memories, i.e., RAM/ROM/HDD...). Nathan further discloses a database management system, page 18, lines 13-15, reads on Nathan's Database management system (a specific reception function) because DBMS is a software interface between the database and the user in which the DBMS handles performs database actions, i.e., search, update, retrieveof the database's records (audiovisual files) of the database stored on the storage by the record's fields (specified information) representative of the type of data (i.e., song or video) contained in the record (...effectuer les mises a jour des base de donnees ou de version de chanson souhaitees; page 25, lines 18-20). "processing each file by the corresponding reception function, the processing comprising copying the received file stored in the storage area to update a database of the audiovisual reproduction system according to the data included in the received file, where the minimum size corresponds to a size of the file sent by the central server" reads on Nathan' s Database management system inherently comprises the process of writing/copying of the file received to a specified storage area 21, as discussed below ("mises a jour des base de donnees" page 22, lines 18-27 ; page 24, lines 8-24 and pages 25, lines 18-22). Hence the amendment to the claims do not overcome the prior art of record. The 102(b) rejection meets all the claim limitations as discussed below. The amendment to the claims necessitated the new grounds of rejection. **This office action is non-final.**

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Guy **Nathan et al. (WO 96/12257)**.

As to claim 1, **Guy Nathan** discloses a method for receiving files sent by a central server to an audiovisual data reproduction system (jukebox 1) managed by an OS and linked to the server (41), using a data transfer link (Communication link between jukebox and server through the "adaptateur de modem de telecommunications"; page 10, lines 3-6), the process (Abstract) comprising:

Initializing a link between the central server and an audiovisual data reproduction system (page 13, lines 12-26 and page 16, lines 1-15);

Opening a reception file on a permanent storage area of the audiovisual data reproduction system, having an available memory to store data packets of a file to be sent by the central server (...si l'enregistrement d'une ou plusieurs chansons ou video ou encore d'une parties de chanson ou video n'a pu etre fait faute de place suffisante sur le disque ou les moyens de stockage..., see page 25, lines 35-page 26, lines 8. Specifically, page 26, lines 12-17, "Ainsi lorsqu'il est question de tampons, il est rappele le que ceux-ci peuvent etre presents soit physiquement sur le circuit auquel ils sont

affectes soit realise par logiciel en reservant des emplacements de m6morisation dans le memoire du systeme." the buffering could also be done by reserving space/location/size of the memory within the memory of the system or in another word, the "tampons" or buffers could be reserved using any types of memories, i.e., RAM/ROM/HDD...)

Receiving each packet of the file sent by the central server and storing the packet sent by the central server 41 on the opened storage area 21 of the audiovisual data reproduction system (jukebox; page 12, lines 18-20; page 18, lines 5-10), each file having information representative of a type of data associated with the file (each audiovisual file comprising specified information (record's field) representative of the type of data contained in the file (see Fig. 6, el. 1613 permet de connaitre la categories a savoir jazz, classique, variete, etc...page 21, lines 14-15 and see page 21, lines 4-page 22, lines 17); a specific reception function being associated to each received file (page 18, lines 15-20; "...dans l'ordre de priorite un premier test (761) pour determiner si la tache video est activepour determiner si la tache son est active..., determine si la tache communication est active..."),

"for each file received, searching, for a reception function to be associated with each received file based at least in part on the information representative of the type of data associated with the file", reads on page 18, lines 13-15 and Nathan's Database management system (a specific reception function) because DBMS is a software interface between the database and the user in which the DBMS handles performs database actions, i.e., search, update, retrieveof the database's

records (audiovisual files) of the database stored on the storage by the record's fields (specified information) representative of the type of data (i.e., song or video) contained in the record (...effectuer les mises a jour des base de donnees ou de version de chanson souhaitees; page 25, lines 18-20). "processing each file by the corresponding reception function, the processing comprising copying the received file stored in the storage area to update a database of the audiovisual reproduction system according to the data included in the received file, where the minimum size corresponds to a size of the file sent by the central server" reads on Nathan's Database management system inherently comprises the process of writing/copying of the file received to a specified storage area 21, as discussed above ("mises a jour des base de donnees" page 22, lines 18-27 ; page 24, lines 8-24 and pages 25, lines 18-22); Nathan further discloses erasing certain songs from the hard disk, and requesting the center to again send songs or video not received for lack of space, and updates the database accordingly.

As to claim 4, Guy Nathan further discloses performing the search when the last data packet of the file is stored in the second storage area (...ou enfin l'indication qu'il sagit d'un dernier bloc de transmission; page 23, lines 18-20). Note, "last data packet of the file" reads on the system checks the status of the last received packets of the file, i.e., "pas de detection derrieres; page 24, lines 8- page 25, lines 13); Accordingly, the system depends on this 3rd field (un troisieme champ 812) for determining the downloading process is complete or not so that the system is able to proceed to the next step, i.e., write the downloaded file to the database/disk drive or requests the

server for retransmission (...Ceci permet au central de les reemettre; page 25, lines 28-34).

As to claim 5, Guy Nathan further discloses wherein the information representative of the type of data comprises the file extension or the name of the file received (Fig. 6; page 21, lines 4-17).

As to claim 6, Guy Nathan further discloses wherein when the information representative of the type of data represent a song file, the database update step comprises at least one of the following steps: associating the received song file with a graphical file stored in the audiovisual reproduction system, checking the compatibility of the song file with a version of an operating system of the audiovisual data reproduction system (page 23, lines 8-13; page 24, lines 9-page 25, lines 22); updating a file stored on the audiovisual data reproduction system that identifies all songs stored on the audiovisual data reproduction system; updating a statistic table in the data base making it possible to determine the selection frequency of the song corresponding to the file stored in memory (page 23, lines 12); updating a purchase table containing the number and name of all the songs purchased for the reproduction system (page 7, lines 7-10; page 22, lines 18-27); "updating a counter of songs that can be selected to check that the number of songs that can be selected is not greater than a specified threshold" reads on Nathan's system provides a message to the operator indicating the number of songs could not be downloaded/recorded to the system due to the size/capacity of the storage is not enough and permits the operator to decide to remove of certain song from the selected list or storage so the downloading/recording process (...le system...signale

par un affichage...les numeros de chanson ou video qui n'ont pu etre enregistres faute de place. Ceci permet au gerant apres avoir decide l'effacement de certaines chansons ou video du disque dur de redemander au central renvoi de ces chanson ou video ou de la partie non recue ; page 26, lines 5-8).

Claim 7 is met as previously discussed with respect to claim 1.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, **call 800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

/Annan Q Shang/

Primary Examiner, Art Unit 2623

Annan Q. Shang